

# Environmental Justice Coalition for Water

654 13<sup>th</sup> St  
Preservation Park  
Oakland CA 94612



(t) 510-286-8400  
(f) 510-251-2203  
[www.ejcw.org](http://www.ejcw.org)

Chair Isenberg  
Delta Vision  
650 Capitol Mall  
Sacramento, CA 95814

September 2, 2008

Dear Chair Isenberg and Blue Ribbon Task Force Members:

It has become increasingly clear that environmental justice has been conceived and developed in the Delta Visioning and Strategic Planning processes contrary to its meaning held in Federal and California state statute, as well as by low income and minority communities disproportionately exposed to environmental threats across the state. The purpose of this letter is twofold. First, it intends to correct the ill-conceived notion of environmental justice in Delta Vision deliberations. Second, it provides recommendations on how environmental justice should be integrated across the Delta Vision Strategic Plan to provide an environmentally just framework for managing the Delta and statewide water planning.

Environmental justice includes what some may refer to as “economic justice,” but it contains a much larger universe of concerns. Economic justice seeks to transform the unfair relationships between wealth accumulation in the hands of the few and the way in which people make a living and enter into economic contracts and exchanges. Environmental justice is the movement against the problems of environmental racism and broader patterns of environmental inequality. The problem of environmental racism refers to the institutional patterns within society that contribute to disproportionate exposure to environmental hazards, a failure to enjoy equitable benefits from state policies and the systematic exclusion from environmental decision making born on racial/ethnic minorities. Obviously, economic justice seeks to redress problems that contribute to environmental racism and inequality, but it should not be conflated with environmental justice as is often done through the notion of “third party impact” mitigation of the “inefficiencies” and “externalities” found in the western water markets and current Delta Vision Strategic Planning processes.

Instead, an alternative route for the Delta Vision to pursue would be to take into account the difference between environmental justice and economic justice/third party treatment and turn to guidance from Federal and State statutes concerning environmental justice. Similar to Federal Executive Order 12898, California has its own state environmental justice statute that has been neglected in the Delta Vision. This statute, passed as Senate Bill 115 in 1999, defines environmental justice in California as:

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*[T]he fair treatment of people of all races, cultures and income with respect to development, adoption and implementation of environmental laws, regulations and policies.*

This bill also directed the Office of Planning and Research (OPR) and the California Environmental Protection Agency (Cal/EPA) to coordinate statewide implementation of the statute. Unfortunately, OPR has closed its environmental justice unit and Cal/EPA's authority to "coordinate statewide implementation" has been challenged. Regardless of a lack of implementation, this remains the law that governs California and the Delta Vision Task Force, as an agent of the State must still be held to the law.

If the Delta Vision strategic plan is to embrace environmental justice we must first dispense with the overly narrow focus on the "third party" treatment of environmental justice claims and codified legislative stature. We must, instead, integrate environmental justice into all sections of the Delta Vision Strategic Plan, as it is inextricably linked to every consideration in managing the Delta. It is a lens through which to consider alternative visions for the Delta and California's water supply. For example, take two terms that are central to current Delta Vision deliberations: "sustainable management" and "adaptation to climate change." An environmentally just notion of these two terms would strive for "just sustainable management" and "fairness in the adaptation to climate change," pursuant to Federal statutes and the California environmental justice statute shown above. Thus, an environmentally just Delta Vision would ensure that all the industrial, municipal, and commercial operations *and* federal, state, local, and tribal program and policies associated with managing sea level rise and flood control, ecosystem revitalization, water supply quality and reliability, the Delta as a place, and governance and finance of the Delta and California water would not impose a disproportionate share of the negative human health or environmental impacts of pollution or environmental consequences on any one social group in the state of California and that, conversely, environmental justice communities share equitably in the benefits of a restored Delta and sustainable water supply.

With these comments in mind, the Environmental Justice Coalition for Water proposes six key recommendations for an environmentally just Delta Vision:

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## **1. Disciplinary and credential diversification within the Delta science program**

Human nature is such that if all you have is a hammer, then everything starts looking like a nail. CALFED's current Independent Science Board (ISB) has an overrepresentation of engineers (four) and physical and biological scientists (five), while having a limited amount of expertise in other fields (one conservation planner and one agricultural and resource economist). Diversification of the disciplines represented on the ISB will suggest new tools and perspectives. In particular, the ISB should have at least one social scientist, one social economist, and one environmental health expert, all well versed in environmental justice issues and analytical techniques to discern the spatial and temporal dynamics of the environmental and economic inequities of Delta-related policy.

## **2. Increase disaster preparedness and enhance flood protection for socially vulnerable and environmentally overburdened communities**

In the Delta Vision deliberations, communities and geographic regions deemed worthy of increased disaster preparedness and enhanced flood protection are those that have the highest land values and that are in the "state's interest." While concerns about the impacts of Hurricane Katrina are referenced in much of this discussion, little (if any) attention has been given to the "worthiness" of socially vulnerable and environmentally overburdened communities for protection. Numerous studies on hazardous events suggest that a socially vulnerable community could be, but not be limited to, communities with a disproportionately high amount of racial and ethnic minorities, federally recognized and unrecognized tribal members, non-English speakers, recently arrived immigrants, persons 65 years or older, single pensioner households, lone parents with dependent children, renter occupied and/or government subsidized housing units, homeless or transient populations, and geographic distance away from major transportation corridors and health services. In addition, environmentally overburdened communities could face a number of environmental threats on a daily basis. The threats perhaps most relevant to Delta water and land policy would be communities disproportionate exposed to contaminated water bodies, fishing sites, and drinking water sources; permitted wastewater dischargers and toxic release facilities; pesticide drift; and unmitigated and uninsured flood events. Communities displaying these and other characteristics that make them socially vulnerable and environmentally overburdened deserve much more "worth" than they have been given in the Delta Vision and its Strategic Plan.

## **3. Democratization of California water for socially vulnerable and environmentally overburdened communities.**

There has been progress in other state agencies, however, CALFED before it and Delta Visions now, have been largely immutable to environmental justice participation. The narrow focus of the discourse and the well-entrenched interests that dominate leave little, if any space for environmental justice concerns.

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Interestingly, amongst the stakeholder group, there was wide agreement that these concerns should be identified and addressed. Yet, the Task Force failed to hear a single presentation on environmental justice, nor did it consult any experts on environmental justice and Delta-related policy. . To democratize the Delta governance structure, it will require not only representation on the governance body, but the commensurate investment in staff and advisors and, most likely, legislative requirement that the body actually address environmental justice in its decision-making by reaching beyond political and economic elite of water policy in the state to the socially vulnerable and environmentally overburdened (see description above) through a variety of means that are not exclusive to last-minute public outreach flyers and internet-based public participation all disseminated in English.

**4. Ensure that water supply quality and reliability is carried out to provide safe, affordable water for drinking, subsistence, cultural, and recreational uses for California communities.**

Water supply reliability has been promoted in the Delta Visioning and Strategic Planning processes over concerns about water quality. In fact, it was not until late in the Strategic Planning process that water quality rose as an area of concern. This is not surprising given the strong hold that water contractors have over California water policy and the Delta Vision deliberations. What is surprising, however, is that this occurs in the face of growing research on and regulatory attention to the problem of a lack of safe, affordable water for drinking, subsistence, cultural, and recreational uses for numerous California communities while Delta exports and statewide water transfers are government-subsidized, sold on the water market for profit. An environmentally just Delta Vision will address these inequities and identify opportunities for impacted communities to benefit from Delta investments.

**5. Promote just and sustainable local and state economies and land uses within the Delta and that are connected to vital drinking water sources throughout the state.**

The Delta Vision and Strategic Plan calls to promote tourism, recreation, and, to a certain extent, agriculture, but this must be done in a way that ensures socially vulnerable and environmentally overburdened communities share equitably in the benefits of a restored Delta and sustainable water supply

In closing, I hope that you will consider the long term viability of a Delta that does not account for environmental justice, especially taking into account the expected changes in the State's population. Three environmental justice representatives were seated on the Delta Vision Stakeholder Coordination Group. I am pleased to say that our comments and suggestions were well received amongst the stakeholders and reflected in the report delivered to the Task Force last fall. I hope that you will reconsider the important issue of environmental justice and reflect it more broadly in the Strategic Plan.

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With hopes for a renewed commitment to an environmentally just Delta Vision,

Debbie Davis  
Legislative Analyst  
Environmental Justice Coalition for Water